

**REMARKS**

Claims 1-8 are the claims originally pending in the application.

**Preliminary Matters**

The Examiner indicates that the Information Disclosure Statement of May 23, 2006 fails to comply with 37 C.F.R. § 1.98(a)(2) as a legible copy of each cited foreign patent document was not provided. Applicants submit that the Information Disclosure Statement of May 23, 2006 does comply with 37 C.F.R. § 1.98(a)(2). Applicants submit that the USPTO should have received copies of the six references, which the Patent Office alleges as not being submitted, from the International Bureau. However, Applicants are submitting herewith courtesy copies of the six references for the Examiner's convenience. Applicants are also submitting herewith a copy of the SB08 that lists these six references, for the Examiner to initial and return with the next Action.

**Claim Rejections, 35 U.S.C. § 112, second paragraph**

Claim 2 has been rejected under 35 U.S.C. § 112, second paragraph. Specifically, it is alleged that it is not clear where the heat sink is located. Applicants submit that claim 2 has been amended for purposes of clarification and complies with 35 U.S.C. § 112, second paragraph. The heat sink is included in the control device and a spacing is provided between the heat sink and the bracket on the side opposite to the load side.

Applicants respectfully request the Examiner to withdraw the 112, second paragraph rejection of claim 2.

**Allowable Subject Matter**

Applicants thank the Examiner for indicating that claims 6 and 7 include allowable subject matter and would be allowed if rewritten in independent form along with the limitations of the base and intervening claims. However, Applicants request the Examiner to hold in

abeyance any such rewriting of claims 6 and 7 until the Examiner has had a chance to reconsider and withdraw the rejection of the remaining claims.

### **Prior Art Rejections**

Claims 1-5, and 8 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Kuribayashi et al (U.S. Publication 2003/0141854), hereinafter “Kuribayashi”.

For *at least* the following exemplary reasons, Applicants respectfully traverse the rejections.

Generally, in a rotating electric machine, the front and rear bearing brackets are influenced by the heat generated in the main body of the rotating electric machine. Hence, these brackets generally reach considerably high temperatures. Therefore, if a control device that may include electronic components is in direct contact with the brackets, the heat from the main body of the electric machine may heat up some of the electronic components beyond their permissible temperature ranges causing their failure.

Accordingly, claim 1 recites, *inter alia*, the control device being fixed to the outside of the bracket on said side opposite the load side in an axial direction of said rotary shaft in such a manner that a particular spacing is formed between said control device and the bracket on said side opposite the load side and said flow of cooling air passes through this spacing.

Kuribayashi suffers from the same problem that the invention recited in claim 1 solves. For example, in Figure 4 of Kuribayashi, the inverter unit 22A is in direct contact with the bracket 44a. As such, there is no particular spacing between the inverter unit 22A and the bracket 44a. Due to the absence of the claimed spacing, Kuribayashi also fails to anticipate the feature of cooling air passing through the spacing recited in claim 1.

Applicants respectfully request the Examiner to withdraw the rejection of claim 1 *at least* because Kuribayashi does not include every feature of claim 1.

Regarding, dependent claim 2, Kuribayashi again fails to teach that there is a spacing between the heat sink 30 and the rear bracket 44a. See Fig. 4. Therefore, Applicants respectfully request the Examiner to withdraw the rejection of claim 2.

The remaining dependent claims are patentable at least by virtue of their dependency.

**New Claims**

Applicants add new claim 9. Applicants respectfully submit that the prior art of record does not teach every feature of claim 9. Further, claim 9 is patentable at least by virtue of its dependency from claim 1.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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